

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03

AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:

PLANNING

ITEM NO.

E-1

ITEM DESCRIPTION: Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from "Low Density Residential" to "Industrial" on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

PREPARED BY:

Brent Svenby,
Planner

September 26, 2003

Note: The access issue with the GDP has been resolved.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on May 14, 2003 to consider the Land Use Plan Amendment request for the property. The Commission also reviewed a Zone Change Petition and GDP for the property.

Mr. Ken Boyer, of Civil Engineering Services Company, addressed the Commission and explained the applications submitted by the applicant.

The Commission discussed whether the area proposed to be designated "Industrial" is appropriate based on the criteria as included in the staff report. The Commission is recommending approval, with the following findings.

Mr. Haeussinger made a motion to recommend approval of Land Use Plan Amendment #03-04 by Morris Memorial LLC and Allen Koenig based on staff findings. Mr. Quinn seconded the motion. The motion carried 8-0.

- a) *The property has fairly level terrain. An existing waterway dissects the property and drains water to the northwest corner of the property.*
- b) *The property has direct access to TH 63, which is classified as an Expressway on the ROCOG Thoroughfare Plan. Eventually the property will have access to East River Road, which is classified as a collector road on the ROCOG Thoroughfare Plan and is identified as a future connection between 37th Street and 55th Street. Currently, East River Road NE is not constructed to a collector roadway standard, but it is anticipated that it will be in the future.*
- c) *The property consists of approximately 33 acres, which is adequate area for the expansion of industrial uses. Commercial and industrial uses exist on the properties to the north and south. The applicant owns the vacant land to the west which is already zoned mixed commercial/industrial which would allow adequate land to develop a commercial/industrial park.*

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

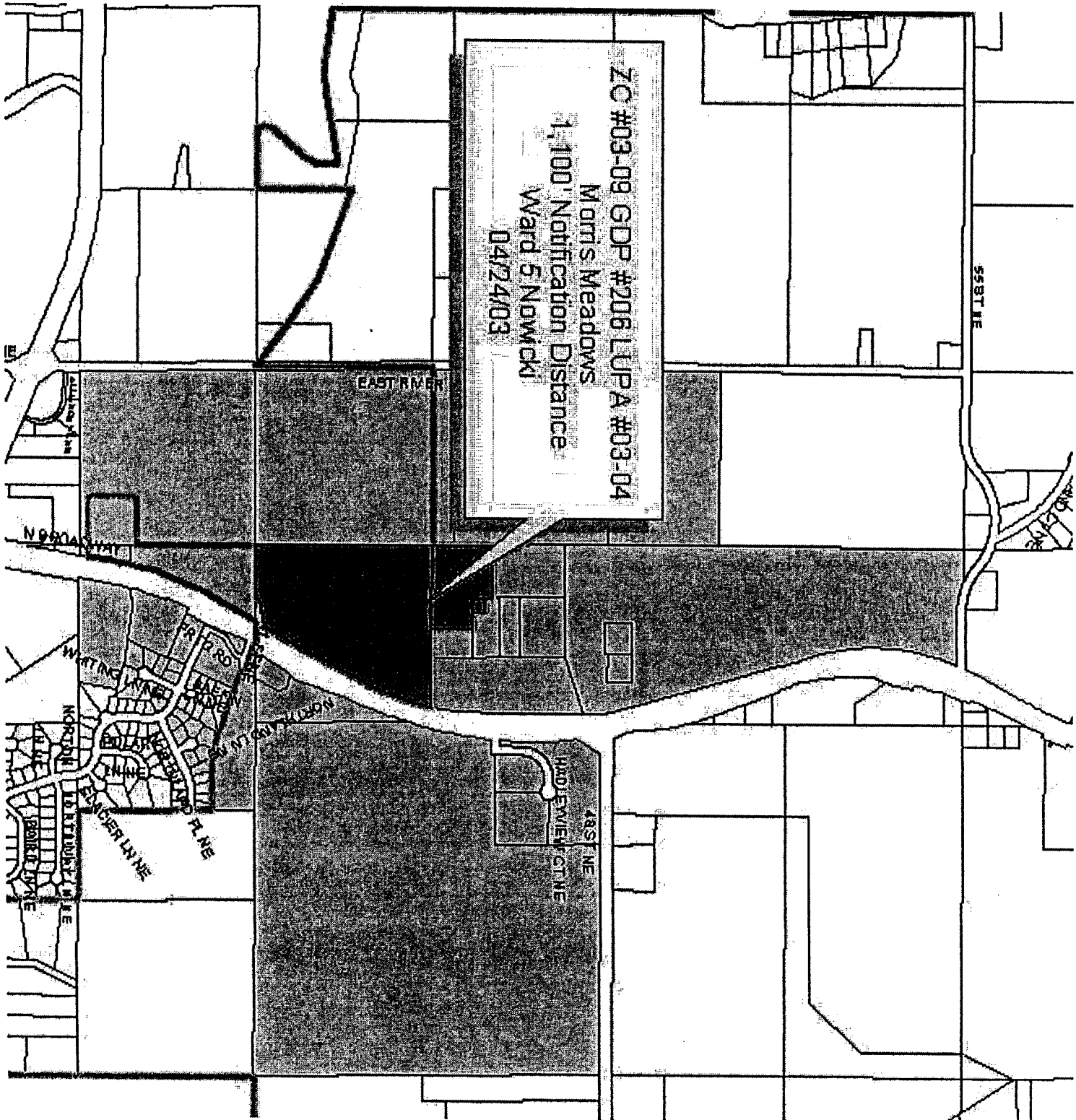
- d) *Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property and is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.*

Planning Staff Recommendation:

See attached staff report dated May 8, 2003

COUNCIL ACTION: Motion by: _____ Seconded by: _____ to: _____.

5A



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

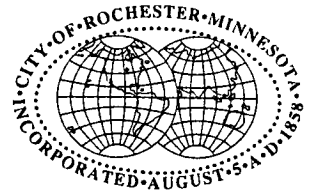
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COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: May 8, 2003

RE: Land Use Plan Amendment #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation for approximately 33.48 acres of land from "low density residential" to "Industrial" designation. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Planning Department Review:

Property Owner:

Morris Memorial LLC
3775 Willow Ridge Drive SW
Rochester, MN 55902

Allen Koenig
PO Box 6122
Rochester, MN 55903

Consultant:

Civil Engineering Services Co.
Attn: Ken Boyer
5300 Hwy 63 South
Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Requested Action:

The applicant requests to amend the Rochester Urban Service Area Land Use Plan to designate approximately 33.48 acres of land for "industrial" uses. The property is currently designated for "low density residential" uses. A Zoning District Amendment and General Development Plan are being considered concurrent with this application.

Existing Land Use:

The majority of the property is currently vacant. Midwest Transportation is located on approximately 5 acres of the site.

Proposed Land Use:

The applicant has also filed a Zone Change petition and a General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property being developed with a mixture of commercial and industrial



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uses.

Adjacent Land Use and Zoning:

East: Across TH 63 is vacant land in Olmsted County which is zoned A-3 (Agricultural) on the Olmsted County Zoning Map. The property is designated for "low density residential" uses on the Land Use Plan.

South: The property to the south is in Olmsted County and is zoned I (Industrial) on the Olmsted County Zoning Map. The property is designated for "Industrial" uses on the Land Use Plan.

North: The property to the north is located in Olmsted County. This property is zoned Industrial and there is a number of different industrial uses found to the north. The property is designated for "low density residential" uses on the Land Use Plan.

West: The property to the west is vacant land in the City of Rochester and is zoned M-1 (Mixed Commercial – Industrial) on the City of Rochester Zoning Map. The property is designated for "industrial" uses on the Land Use Plan

Transportation Access:

The plan proposes public roadways within the development. The plan also provides access to the properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

See GDP report for more information on traffic.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Neighborhood Meeting:

A neighborhood meeting was held on September 10, 2002. A summary of the meeting is attached.

Referral Comments:

See GDP Report

Report Attachments:

1. Location Map
2. Land Use Plan Map
3. Referral Comments - see GDP Report
4. Neighborhood Meeting Summary

Analysis:

The Rochester Urban Service Area Land Use Plan identifies location criteria for "Industrial" types of uses as follows:

- a) *Having level terrain (less than 5% slope).*
- b) *Having excellent access to transportation facilities, including direct access to a freeway, expressway, or arterial. Access to either rail or air transportation is also desirable.*
- c) *Having adequate area available for industrial expansion, providing adequate space for buffer areas, where needed, to protect adjacent residential use designations.*
- d) *Served by utilities and public facilities.*

Staff Suggested Findings:

- a) *The property has fairly level terrain. An existing waterway dissects the property and drains water to the northwest corner of the property.*
- b) *The property has direct access to TH 63 which is classified as an Expressway on the ROCOG Thoroughfare Plan. Eventually the property will have access to East River Road, which is classified as a collector road on the ROCOG Thoroughfare Plan and is identified as a future connection between 37th Street and 55th Street. Currently, East River Road NE is not constructed to a collector roadway standard, but it is anticipated that it will be in the future.*
- c) *The property consists of approximately 33 acres, which is adequate area for the expansion of industrial uses. Commercial and industrial uses exist on the properties to the north and south. The applicant owns the vacant land to the west which is already zoned mixed commercial/industrial which would allow adequate land to develop a commercial/industrial park.*

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

- d) *Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property and is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.*

Staff Recommendation:

The ability to consider the Zone Change, Land Use Plan Amendment and General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff suggested findings do support amending the Land Use Plan.

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CIVIL ENGINEERING SERVICES COMPANY

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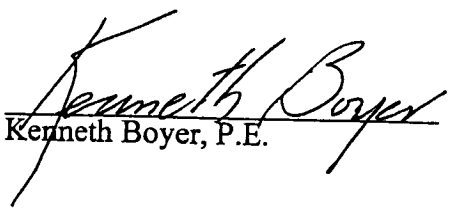
RECORD OF NEIGHBORHOOD INFORMATIONAL MEETING

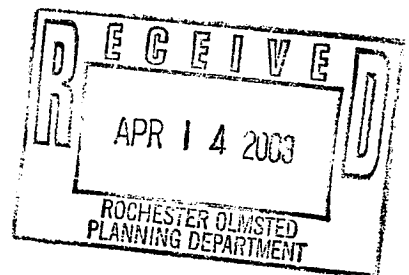
Location: Evangel United Methodist Church

Date/Time: Tuesday, September 10, 2002 at 7:00 p.m.

The meeting was attended by three people: Ken Boyer (Owner's engineer), and Mr. and Mrs. Al Bruggenthies (Owners of Al's Marine and RV). Mr. Boyer explained the purpose of the meeting and explained the proposed project. He advised that the Owner's would be petitioning for a zone change and a change to the Land Use Plan. General discussion of the proposed development followed. There were no objections expressed to the proposed development.

The meeting ended at 7:15 p.m.


Kenneth Boyer, P.E.



* Land Use Plan Amendment Petition #03-04 and Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from "Low Density Residential" to "Industrial" and the zoning from I (Interim) to the M-1 (Mixed Commercial-Industrial) district on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

AND

General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Ms. Mitzi A. Baker presented the staff reports, dated May 8, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker clarified the amount of acreage involved in the general development plan proposal.

Ms. Baker suggested revising condition number 3 listed in the staff report for the general development plan to state: "The extension of public sewer and water to serve the property shall be coordinated with the Public Works Department. Development must be phased to provide adequate public facilities concurrent with development of the property."

Mr. Staver asked what the timing would be for the stoplight proposed at TH 63 and 41st Street NE.

Ms. Baker responded that she was unaware of the timing.

The applicant's representative Ken Boyer, of Civil Engineering Services Company (5300 Highway 63 South, Rochester MN), addressed the Commission. He explained that the applicant applied for some residential uses a year ago on the west part of the property. However, the City Council disagreed with the zoning. Therefore, they are surrounded by the M-1 zoning district.

Mr. Boyer stated that he wanted the opportunity to work with staff on the location of the half-block of street on the north portion of the plat. He indicated that MnDOT made comments regarding controlled access on Highway 63; however, he will work out the details with them.

Mr. Haeussinger asked if the applicant agreed with the staff recommendations.

Mr. Boyer responded yes.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-09 by

Morris Memorial LLC and Allen Koenig with staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig with the staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Quinn seconded the motion. The motion carried 8-0.

CONDITIONS:

1. The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.
2. Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.
3. The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development. Development must be phased to provide adequate public facilities concurrent with development of the property
4. At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63.
5. The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.
6. This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.
7. On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

8. The applicant shall obtain an access permit from MnDOT for access to TH 63.

General Development Plan #207 by By Us LLC to be known as Pinewood Ridge. The Applicant is proposing to develop approximately 63 acres of land with single family dwellings. The property is proposed to be served by public roads and provides connections to adjacent properties. The property is located south of Pinewood Road SE and west of 30th Avenue SE with single family homes.

Ms. Mitzi A. Baker presented the staff report, dated May 9, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the access location to property to the east needed to be reviewed and that an outlot for a pedestrian connection needs to be provided to the park/pond area.

Mr. Quinn stated that Pinewood Road SE is not in the 6 year CIP. He asked when it could be included. He also asked about limiting the development until a second access is provided.

Ms. Baker responded that the limiting of development until a second access is provided is a requirement of the Ordinance. Therefore, it didn't technically need to be a condition.

Ms. Baker explained the Water Quality Protection Program.

Ms. Baker stated that she was unsure of the timing to improve Pinewood Road SE since it is not in the 6 year CIP.

Mr. Quinn asked if the development would be affected by not having Pinewood Road SE in the 6 year CIP.

Ms. Baker responded that it could and that the City would need to monitor traffic volumes and development along Pinewood Road SE.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the most recent plan showed 75 homes. Therefore, they should be below the trip threshold. He indicated that the applicant did not have any objections to the staff-recommended conditions.

Ms. Rivas asked why the local street on the south side would be widened.

Mr. DuMond responded that there would be medians in the roadway.

Ms. Rivas asked if the wetland on the east side would be retained.

Mr. DuMond responded that he was unsure as to the quality of those wetlands. He stated that they are currently being delineated.

Mr. Jonathan Hoyne, of 2824 Pinewood Road SE, Rochester MN, addressed the Commission. He asked how far from his property line the sidewalk would be located. He also asked about the size of the lake (pond), what type of parkland there would be, and how large it would be. He